

UNITED STATES DISTRICT COURT
for the U.S. DISTRICT COURT
SAVANNAH DIV.Southern District of Georgia
Statesboro Division

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CLERK

United States of America
v.

Heriberto Cosme

Date of Previous Judgment: May 9, 1997
(Use Date of Last Amended Judgment if Applicable)

)
) Case No: CR696-0000
) USM No: 09328-021
) Dwight Jay Stewart
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

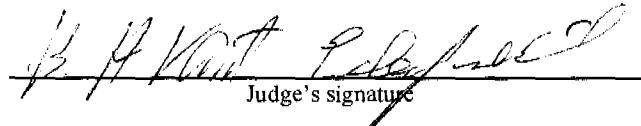
I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)Previous Offense Level: 34Amended Offense Level: 34Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 151 to 188 monthsAmended Guideline Range: 151 to 188 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): _____

III. ADDITIONAL COMMENTS

The defendant is presently serving a period of incarceration based on the revocation of his term of supervised release. Pursuant to U.S.S.G. § 1B1.10, Application Note 4(A), only a term of imprisonment imposed as part of the original sentence is authorized to be reduced. This section does not authorize a reduction in the term of imprisonment imposed upon revocation of supervised release.

Except as provided above, all provisions of the judgment dated May 9, 1997, shall remain in effect.

IT IS SO ORDERED.Order Date: Nov. 12, 2008


Judge's signature

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia

Printed name and title

Effective Date:

(if different from order date)